

Attorney Docket No.: J2073(C)
Serial No.: 10/560,624
Filed: June 8, 2006
Confirmation No.: 9171

REMARKS

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Claims 1-3, 5 and 8-9 were rejected under 35 U.S.C. § 103(a) as unpatentable over WO 03/006320 (Chan et al.) in view of U.S. Patent 3,788,520 (Dukess). Applicant traverses this rejection.

Applicant has amended the independent claim by incorporating the elements of pending claim 10. The latter claim has been cancelled.

Neither Chan et al. nor Dukess reveal a multi-compartment dispenser that comprises a pair of parallel outwardly projecting rims. These references also do not disclose that the elastic partition of the dispenser be securely held between the rims and sealed together to form two of the plurality of mutually separated compartments. Absent such disclosure, the combination of references would not present a *prima facie* case of obviousness.

Claims 6-7 were rejected under 35 U.S.C. § 103(a) as unpatentable over Chan et al. in view of Dukess as applied to claim 1, and further in view of U.S. Patent 5,954,234 (Conan et al.). Applicant traverses this rejection.

The deficiencies of Chan et al. and Dukess have been above noted. Conan et al. does not remedy the basic deficiencies of the aforementioned references. None

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disclose a pair of parallel oriented rims projecting outwardly from the container body and having flat sealing surfaces. Neither do these references reveal an elastic partition that is securely held between the rims and sealed together to form two of the plurality of mutually separated compartments. A *prima facie* case of obviousness has not been presented.

Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Chan et al. in view of Dukess as applied in claim 1, and further in view of U.S. Patent 5,921,440 (Maines). Applicant traverses this rejection.

Maines was cited with respect to Figures 15-16 revealing two open chambers 22, 22A that have flat seals 23 that seal onto a divider 23 to create two separate chambers. It was the Examiner's view it would have been obvious to one of ordinary skill to adapt Maines to the Chan/Dukess combination because Maines shows a way to produce the container in an easy manufacturing system.

Applicant submits that Maines fails to disclose a pair of parallel oriented rims projecting outwardly from the container. None of the other references reveals such parallel oriented rims. These rims are not merely a design or manufacturing alternative. In the context of the heart-shaped container bodies as shown in applicant's Figures 1A and 1B, it is important to have rims for extra structural support, particularly near the triangulated closed end. Absent any disclosure in the references of the rim feature, the combined references would not present a *prima facie* case of obviousness.

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In view of the foregoing amendment and comments, applicant requests the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Milton L. Honig", written over a horizontal line.

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